

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JAMES MAURICE DUCKETT,

Plaintiff,

v.

P. GARCIA,

Defendant.

Case No. 24-cv-01999 BLF

**ORDER ADMINISTRATIVELY  
CLOSING CASE**

On March 19, 2024, Plaintiff, proceeding *pro se*, filed a civil rights action pursuant to 42 U.S.C. § 1983 in the Eastern District. Dkt. No. 1. Plaintiff also filed an application for leave to proceed *in forma pauperis* (“IFP”). Dkt. No. 2. On April 1, 2024, the matter was transferred to this Court as the proper venue. Dkt. No. 6.

After reviewing the complaint, the Court finds it is identical to a previous complaint filed in this Court. *Compare* Dkt. No. 1 *with* Dkt. No. 8 of *Duckett v. Garcia*, Case No. 24-cv-00536 BLF (*Duckett I*). Recently, the Court found that *Duckett I* was duplicative of an even earlier filed action under Case No. 23-cv-04748 BLF, *Duckett v. Garcia*; the Court dismissed *Duckett I* as duplicative. Accordingly, the instant action is also duplicative. Duplicative or repetitious litigation of virtually identical causes of action is subject to


1 dismissal under 28 U.S.C. § 1915 as malicious. *Bailey v. Johnson*, 846 F.2d 1019, 1021  
2 (5th Cir. 1988). However, it may be that Plaintiff was uncertain as to where to proceed  
3 with his claims against Defendant Garcia since he was transferred to the California  
4 Medical Facility while his case was pending. Accordingly, in the interest of justice, the  
5 Court will order this matter administratively closed as improvidently opened.

6 Plaintiff is advised that his claims against Defendant Garcia based on the clothed  
7 body search that occurred on January 9, 2022, shall proceed under the first action filed in  
8 this Court, under Case No. 23-cv-04748 BLF.

9 The Clerk of the Court shall administratively close the instant case. No filing fee is  
10 due.

11 **IT IS SO ORDERED.**

12 Dated: April 27, 2024

  
13 BETH LABSON FREEMAN  
14 United States District Judge  
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